S.B. CIVIL WRIT PETITION NO.1035/2005.

DATE: 23.02.2005.

HON'BLE MR. R.P. VYAS, J.

Ms. Kusum Rao for the petitioner.

By the instant writ petition, the petitioner seeks quashing of the impugned Award dated 03.11.2001 (Annexure 6) passed by the Judge, Labour Court, Udaipur, whereby the Labour Court awarded a sum of Rs.11,500/- as compensation to the respondent-workman.

On reference having been made, the respondent-workman filed a claim petition before the Labour Court,Udaipur stating therein that he was appointed as Jaldhari on 01.8.1992 with the fixed salary of Rs.75/- per months. His services stood terminated w.e.f. October 1996 by a verbal order in flagrant violation of the provisions of Industrial Disputes Act, 1947 (for short, "the I.D. Act"). The Labour Court, after hearing the parties and appreciating the evidence, found the termination order as illegal and in flagrant violation of the mandatory provisions of Section 25-F of the I.D. Act, but instead of granting the relief of reinstatement with back wages, the Labour Court awarded a sum of Rs.11,500/- as compensation to the respondent -workma.

Hence, this writ petition.

Heard learned counsel for the petitioner and perused the impugned order of the Tribunal.

Learned counsel for the petitioner submits that the controversy involved in the instant case is squarely covered by a decision of this Court in S.B. Civil Writ Petition No. 694/2003, District Education Officer (EE), Banswara Vs. Bapu Lal & others decided on 16.10.2003.

In view of the submissions of the learned counsel for the petitioner as well as the findings arrived at by the Tribunal that the respondent-workman has completed 240 days of service in a calender year, therefore, the retrenchment of the services of the respondent-workman was in clear violation of Section 25-F of the I.D.Act. The learned Tribunal instead of granting the relief of reinstatement with back wages, awarded a sum of Rs.11,500/- as compensation to the respondent-workman. The matter was disposed of by the Tribunal while giving concrete and reasoned findings. Thus, the Tribunal has exercised the discretion judiciously by awarding compensation in lieu of reinstatement.

In view of the above admitted facts, I do not find any ground to interfere with the impugned Award dated 3.11.2001 (Annexure 6) passed by the Tribunal. Consequently, the writ petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition lacks merit and is hereby dismissed in terms of the order passed in S.B. Civil Writ Petition No. 694/2003 (District Education Officer (EE), Banswara Vs. Bapu Lal & others) decided on 16.10.2003. There shall be no order as to costs.

(**R.P. VYAS)J.**

Anil